

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CAPITOL RECORDS, Inc., a Delaware )  
corporation, ATLANTIC RECORDING, )  
Corporation, a Delaware corporation, )  
BMG MUSIC, a New York general )  
partnership, ARISTA RECORDS, LLC, )  
a Delaware limited liability company, )  
SONY BMG MUSIC )  
ENTERTAINMENT, a Delaware general )  
partnership, WARNER BROS. )  
RECORDS, Inc., a Delaware )  
corporation, INTERSCOPE RECORDS, )  
a California general partnership, )  
VIRGIN RECORDS AMERICA, Inc., a )  
California corporation, ELEKTRA )  
ENTERTAINMENT GROUP, Inc., a )  
Delaware corporation, and UMG )  
RECORDINGS, Inc., a Delaware )  
corporation, )

CASE NO. 4:07CV3065

Plaintiffs,

v.

BRIAN MOYER,

Defendant.

MEMORANDUM AND ORDER

This matter is before the Court on the Motion to Dismiss filed by Defendant Brian Moyer. (Filing No. 7). In response to the motion, the Plaintiffs filed an unopposed Motion for Leave to File an Amended Complaint, which was granted, and the First Amended Complaint has been filed.

The Court has reviewed the First Amended Complaint. Based on this review, the Court concludes that the First Amended Complaint satisfies the requirements of Fed. R. Civ. P. 10(b). In addition, The Court concludes that the First Amended Complaint states a claim upon which relief can be granted under Fed. R. Civ. P. 12(b)(6). The First

Amended Complaint, including its attachments, contains sufficient specificity regarding Moyer's alleged acts of copyright infringement in violation of 17 U.S.C. § 101 et seq. to survive the Defendant's motion to dismiss as it is presented. Accordingly,

IT IS ORDERED:

The Defendant's Motion to Dismiss (Filing No. 7) is denied as moot.

DATED this 9<sup>th</sup> day of May, 2007.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge